

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Holland, et al.
Serial No.: 08/957,431
Filed: October 24, 1997
For: LAMINATED FABRIC

Ex.: To be assigned
Group Art Unit:

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TC 1700

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**PETITION TO ACCEPT DECLARATION ON BEHALF OF AN UNWILLING
INVENTOR UNDER 37 C.F.R. 1.47(a) AND RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION-FILING DATE GRANTED**

Applicants hereby petition the Commissioner to accept a Declaration in this matter under 37C.F.R. §1.47(a) and respond to the Notice to File Missing Parts of Application dated August 24, 1999. One of the inventors in this matter has refused to cooperate with the continued prosecution of the application. Grounds for this Petition are as follows:

- The instant application was filed with the U.S. Patent and Trademark Office on October 24, 1997, without an executed Declaration.
- After receiving a Filing Receipt, the next communication from the Patent and Trademark Office was a Notice of Abandonment mailed on January 21, 1999. The Notice of Abandonment stated that the application was abandoned for failure to timely or properly reply to a Notice to File Missing Parts mailed on February 20, 1998.
- In response thereto applicants filed a Petition to Withdraw Holding of Abandonment on the grounds that the Notice to File Missing Parts was never received in applicant's attorney's office. That Petition was granted on August 20, 1999.

- A Declaration was prepared and sent to the inventors in April, 1999. In the four months since that time, one of the inventors has steadfastly refused to cooperate with the continued prosecution of the application.
- The Declaration of Clinton H. Hallman, Jr. of the law firm of Rhodes & Mason, P.L.L.C. and of John E. Holland, President of the assignee of the application are being filed concurrently herewith in support of Applicants' Petition.

Accompanying this petition are the following documents:

1. An executed declaration by the signing co-inventors, John E. Holland and Connie Holland, on their behalf and a declaration on behalf of David V. Cunningham, the non-signing co-inventor.
2. Proof of David V. Cunningham's refusal to sign the application by way of two declarations of facts in support of filing on behalf of an omitted or non-signing inventor;
3. A copy of the Assignment of the present application by all three inventors to the Assignee, H & S Manufacturing, Inc.;
4. Power of Attorney;
5. Form PTO 1533; and
6. Statement Claiming Small Entity Status; and
7. A check in the amount of \$675.00, which includes the requisite petition fee of \$130 under 37 C.F.R. §1.17(h), the basic filing fee of \$480.00, and the surcharge fee of \$65.00 for late filing of declaration.

If any fees in addition to those accompanying the Petition and form PTO 1553 are required, the Commissioner is hereby authorized to charge them to deposit account 18-1164.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Robert Rhodes". The signature is fluid and cursive, with the first name "C." and last name "Rhodes" clearly distinguishable.

C. Robert Rhodes
Reg. No. 24,200

Date: 10-7-99

File No. 3781-11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Holland, et al.

Serial No.: 08/957,431

Filed: October 24, 1997

Ex.: 1314

For: **LAMINATED FABRIC**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicant hereby petitions the Commissioner for revival of the above-identified patent application. The Notice to File Missing Parts in this application was never received by Applicant or Applicant's counsel. Grounds for this Petition are as follows:

- ◆ The instant application was filed with the U.S. Patent and Trademark Office on October 24, 1997. The application was filed without an executed Declaration. Further, the application was filed without an Assignment and Power of Attorney.
- ◆ A review of the file has indicated that the last communication Applicant's counsel received from the Patent and Trademark Office in this application was the Filing Receipt acknowledging receipt of the application.
- ◆ After being notified that a Notice of Abandonment had been received in this application, the undersigned immediately contacted his docketing clerk with a request that the mail logs be searched for a Notice to File Missing Parts in the instant application.
- ◆ As set forth in the accompanying Declaration of Shirley Davis of Rhodes, Coats & Bennett, L.L.P., no Notice to File Missing Parts was received by Applicant's counsel.
- ◆ This Petition is accompanied by an executed Declaration, Assignment and Power of Attorney.

- ♦ The Declarations of Clinton H. Hallman, Jr. of the law firm of Rhodes, Coats & Bennett, L.L.P. and of Shirley Davis, of the same law firm, are being filed concurrently herewith in support of Applicant's Petition.

The reason for failing to respond to a Notice to File Missing Parts, as fully set forth in the accompanying Declarations, provide an adequate basis for the withdrawal of the holding of abandonment of the instant application.

If any fees in addition to those accompanying the Petition are required, the Commissioner is hereby authorized to charge them to Deposit Account 18-1164 and consider this a petition therefor.

Respectfully submitted,



Clinton H. Hallman, Jr.
Reg. No. 38,480

Date: 2-8-99

Assistant Commissioner for Patents
Washington DC 20231

Date: 10-8-99
SN/Pat. No. 08/457431
Filing/Issue Date: 10-24-97
Applicant/Inventor Name: HVS Mfg.

Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

- ☒ Check for \$ 675.00
☐ Application papers:
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☐ Number of claims _____
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☐ Power of Attorney
☐ Assignment & fee
☒ Small Entity Statement
☐ Drawing pages _____

- ☐ Brief
☐ Amendment/Response
☐ Appeal
☐ IDS, PTO-1449 & _____ documents
☐ Issue fee
☐ Maintenance fee
☒ Notice to File Missing Parts
☐ Certificate of Express Mail
☒ OTHER (Specify) Petition To Accept Decl.

on behalf of AN UNWILLING INVENTOR &
ATTACHMENTS; Decl. of CHH & JOHN HOWARD

RHODES & MASON PLLC - Docket No. 3781-11



RHODES, COATS & BENNETT

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Assistant Commissioner for Patents
Washington DC 20231

Date: 10-8-99
SN/Pat. No. 08/457431
Filing/Issue Date: 10-24-97
Applicant/Inventor Name: H. S. Mtg.

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| <input checked="" type="checkbox"/> Declaration | <input type="checkbox"/> Issue fee |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Maintenance fee |
| <input type="checkbox"/> Assignment & fee | <input checked="" type="checkbox"/> Notice to File Missing Parts |
| <input checked="" type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Certificate of Express Mail |
| <input type="checkbox"/> Drawing pages <u> </u> | <input checked="" type="checkbox"/> OTHER (Specify) <u>PETITION To Accept Decl.</u> |
| | <u>ON BEHALF OF AN UNWILLING INVENTOR +</u> |
| | <u>ATTACHMENTS; Decl. of CHH + JOHN HOLLAND</u> |

RHODES & MASON PLLC - Docket No. 3781-11



H&S MANUFACTURING INC
303 SOUTH PINE ST., P.O. DRAWER D
SPRING HOPE, NC 27882
TEL: 252-478-4997 FAX: 252-478-4998
E-MAIL JohnH85223@AOL.COM

April 27, 1999

Certified Mail Z690348291 RETURN RECEIPT



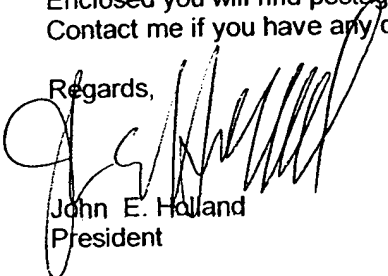
Dave Cunningham
2616 Winstead Road
Rocky Mount, NC 27804

Dear Dave,

Enclosed you will find the letter from Clinton along with the Declaration For Patent Application to be signed. There are three originals of the Declaration For Patent Application. Sign and send one to Clinton and one to H&S Mfg. Inc.

Enclosed you will find postage paid envelopes for H&S Mfg. Inc. and Rhodes, Coats & Bennett, L.L.P.
Contact me if you have any questions.

Regards,


John E. Holland
President

Copy: Clinton H. Hallman, Jr., Rhodes, Coats & Bennett, L.L.P.
Nat Kolmes

Rhodes, Coats & Bennett, L.L.P.

ATTORNEYS-AT-LAW

C. ROBERT RHODES
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JOHN R. OWEN
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AMY H. FIX

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WILMINGTON, NC 28401
(910) 763-2382
WILMINGTON FAX (910) 763-2386

April 22, 1999

Mr. John Holland
President
H & S Manufacturing, Inc.
P. O. Drawer D
Spring Hope, NC 27882

Re: **LAMINATED FABRIC**
Our File No. 3781-011

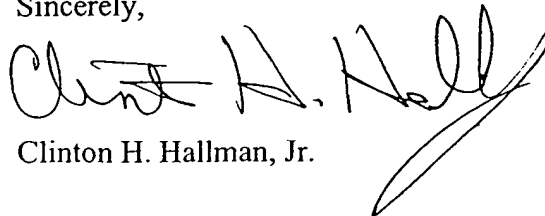
Dear John:

Please find enclosed the original Declaration for the above-referenced patent application.

Please have David, Connie and yourself sign and date the Declaration where indicated.
After the document is signed, please return it to us for filing with the Patent Office.

I appreciate your allowing us to be of service you. I will notify you when the Patent Office has acted on the application.

Sincerely,


Clinton H. Hallman, Jr.

CHH/ps
Enclosure

FedEx. USA AirbillFedEx
Tracking
Number

808825254883

Form
I.D. No.

0210

SNA12

Sender's Co

1 From (please print and press hard)Date 4/22/99 Sender's FedEx Account Number 1331-1594-3Sender's Name Clinton H. Hallman, Jr. Phone (336) 273-4422Company RHODES COATS & BENNETTAddress 1600 FIRST UNION TOWERCity GREENSBORO State NC ZIP 27401

Dept./Floor/Suite/Room

2 Your Internal Billing Reference Information
(Optional) (First 24 characters will appear on invoice)3781-011**3 To** (please print and press hard)Recipient's Name John Holland Phone (252) 478-4997Company H & S. Manufacturing, Inc.Address 303 South Pine Street
(To "HOLD" at FedEx location, print FedEx address here) (We Cannot Deliver to P.O. Boxes or P.O. ZIP Codes) Dept./Floor/Suite/Room☐ Check here
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